

Commonwealth of Pennsylvania
DEPARTMENT OF PUBLIC INSTRUCTION
State Board of Osteopathic Examiners
Harrisburg

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1949

OSTEOPATHIC LAW

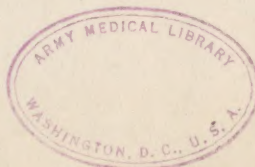
Edited May 1, 1949

I. DEFINITIONS:

"Osteopath," an individual licensed under the laws of this Commonwealth to practice osteopathy. (Act of May 28, 1937, P.L. 1019, Art. VIII, Section 101.)

"Osteopathic Surgeon," an individual licensed under the laws of this Commonwealth to practice osteopathy and osteopathic surgery. (Act of May 28, 1937, P. L. 1019, Art. VIII, Section 101.)

- II. EXAMINATION OF APPLICANTS. For the purpose of examining applicants for license, the said Board of Osteopathic Examiners shall hold two stated meetings in each year, due notice of which shall be made public, at such times and places as the board may determine. At said meetings a majority of the members of the board shall constitute a quorum thereof; but the examination may be conducted by a committee of one or more members of the Board of Examiners, duly authorized by said board; but no license to practice osteopathy shall be granted on an affirmative vote of less than three. Said examinations shall be conducted in writing, in accordance with the rules and regulations prescribed by the State Board of Osteopathic Examiners, and may be supplemented by practical examinations at the bedside in available eleemosynary or other institution, the laboratory, and by practical tests upon the human cadaver, and shall embrace the subjects named in section eight of this act. After each such examination the committee having charge thereof shall, without unnecessary delay, act upon the same. An official report of such action, signed by each acting member of said committee of examiners stating the examination average of each candidate in each branch, the general average, and the result of the examination, whether successful or unsuccessful, shall be transmitted to the said State Board of Osteopathic Examiners. Said report shall embrace all the examination papers; questions, and answers thereto, and such written reports as result from the practical tests as hereinbefore specified. All such examination papers and reports shall be kept for reference and inspection, for a period of not less than five years. The board shall keep a record of its proceedings, and a register of all applicants for license; giving the name and location of the institution granting the applicant the degrees of doctor of, or diplomat in osteopathy; the date of his or her diploma; and also whether the applicant was rejected or granted a license, and the number of the license granted. The record and register shall be prima facie evidence of all matters recorded therein. (Section 5, Act of March 19, 1909, P.L. 46.)



ACKNOWLEDGED

III

LICENSE TO PRACTICE OSTEOPATHY. Every license to practice osteopathy, issued under the provisions of this act, shall be signed by each member of the Board of Examiners; and shall have affixed to it, by the person authorized to affix the same, the seal of the State Board of Osteopathic Examiners. Before said license shall be issued, it shall be recorded in a book to be kept by the Secretary of the Board of Examiners; and the number of the books, and the page therein containing such recorded copy, shall be noted upon the face of said license. Said records shall, under proper restrictions for their safe-keeping, be open to public inspection: Provided further, That anyone who has been in continuous practice of osteopathy for ten years in some other state and who was graduated from a legally incorporated and reputable college of osteopathy, as provided for in this act, may be granted a license, without further examination, after complying with all the other conditions provided for in the licensing of osteopaths in practice in this state at the time of the approval of this act. (Section 7, Act of March 19, 1909, P.L.46)

Seal
Recording

Non-resi-
dent
practi-
tioner

IV

APPLICATION TO ENGAGE IN PRACTICE - From and after the approval of this act, any person not theretofore authorized to practice osteopathy in this state, and desiring to enter upon such practice, may deliver to the Secretary of the State Board of Osteopathic Examiners, upon the payment of a fee of twenty-five dollars, a written application for license, together with satisfactory proof that the applicant is more than twenty-one years of age, is of good moral character, has obtained a preliminary education as hereinafter provided, and has received a diploma conferring the degree in osteopathy from some legally incorporated, reputable osteopathic college of the United States, or some foreign country, wherein the course of instruction consists of at least three separate years of not less than nine months in each separate year. Applicants who receive their degree in osteopathy after the first day of January, Anno Domini one thousand nine hundred and twelve, must have pursued the study of osteopathy for four graded courses of not less than thirty-two weeks of not less than thirty-five hours each of actual work in didactic laboratory and clinical studies, the work of each course having been successfully passed in some legally incorporated, reputable osteopathic college, or colleges, prior to the granting of said diploma or foreign license: Provided, further, That any one who is in the practice of osteopathy in some other state at the time of the approval of this act and who is a graduate from a reputable and legally incorporated college of osteopathy, providing a course of study of at least four terms of five months each, shall be eligible for examination, upon all other terms and conditions provided for applicants for examination under the provisions of this act:

Revised course
of study
required after
Jan. 1, 1912

Non-resident
practitioners
March 19, 1909

And provided further, That the completion of the regular four years' course and graduation from a reputable literary college, in which four years' course two years were devoted to scientific and biological work in the college, shall be accepted by the State Board of Osteopathic Examiners as an equivalent for the first year in a recognized, reputable osteopathic college: Provided, That the examinations of the first year of the said osteopathic college have been successfully passed, and accepted by the osteopathic college as dealing adequately with chemistry, toxicology, physics, physiology, anatomy, and the biologic sciences. Such proof shall be made, if required, on affidavit. Upon the making of said payment and proof, the State Board of Osteopathic Examiners, if satisfied with the same, shall admit said applicant to examination as to his other qualifications for the practice of osteopathy; which examination shall include the subjects of anatomy, physiology, chemistry, toxicology, pathology, diagnosis, hygiene, obstetrics, and gynecology, surgery, principles and practice of osteopathy, and such other subjects as the board may require. On receiving from the committee of examiners, delegated to conduct examinations as provided for in section five of this act, official report of the examination of any applicant for license, the said State Board of Osteopathic Examiners shall issue, forthwith, to each applicant who shall have obtained a general average of not less than seventy-five per centum, and therefore has been returned as having successfully passed said examination, and who shall have been adjudged by the said Board of Examiners to be duly qualified for the practice of osteopathy, a license to practice osteopathy in the State of Pennsylvania, as provided for in section ten of this act. In case of failure at any such examination, the candidate, after the expiration of six months, and within two years, shall have the privilege of a second examination. Having failed upon a second examination, as herein provided, application de novo may be made, upon complying with the standard of qualification, both as to character, preliminary and osteopathic education, in force at the time of said application, and upon the payment of a fee of twenty-five dollars. (Section 8, Act of March 19, 1909, P. L. 46 as last amended by Section 1, Act of April 17, 1942, P.L. 47.)

Proviso

Proviso

Examinations

Seventy-five
per centum
average
required

- V. CANDIDATES GRADUATED BEFORE JULY 1, 1912. - Any candidate for license to practice osteopathy in Pennsylvania who shall present his application to the State Board of Osteopathic Examiners, and shall show to the satisfaction of the Board that he was, before the first day of July, one thousand nine hundred twelve a graduate from a legally incorporated and reputable college of osteopathy, and that the standard of requirements for graduation in such college, at the time of his graduation, was substantially the same as provided in section eight of the act to which this act is a supplement, shall be eligible to license under all the provisions of this act, in the same manner as candidates for license to practice osteopathy who made application prior to the first day of January, one thousand nine hundred twelve. (Section 1, Act of April 28, 1915, P. L. 195).

VI. STANDARD OF SCHOOL OR COLLEGE - A school or college of osteopathy to be recognized as reputable, under the provisions of this act must be legally incorporated, maintain a course of study consisting of the time element as provided for under the provisions of this act, and afford adequate instruction in all the branches of study in which examinations are required for licensure under the provisions of this act, subject to the approval and acceptance of a majority of the Board of Osteopathic Examiners of this Commonwealth: Provided, That any registered osteopath who has been engaged in the practice of osteopathy in this State for eight continuous and consecutive years prior to the approval of this act, who shall exhibit his or her certificate of registration to the Secretary of the Board of Osteopathic Examiners; and shall satisfy said board that he or she has actually attended a post-graduate course of osteopathic instruction at some college recognized as reputable by said board, said course to consist of not less than one term of nine continuous months, with not less than an average of twenty-four hours instruction a week, and that said applicant has passed the examinations of said course under the supervision of said board upon the payment by the applicant of the fee of twenty-five dollars, the said board shall forthwith issue to such applicant a license to practice osteopathy in this State, which license shall be subscribed by every member of the Board of Osteopathic Examiners, and shall have a life effect for all purposes as a license issued after examination by said board. Such licensee shall register in the office of the prothonotary of the court of common pleas of the county or counties in which he or she desires to practice, as required by section thirteen of the act hereby amended; but, after the date of the approval of this amendment, no person shall be registered as a practitioner of osteopathy, in this Commonwealth, except by exhibiting to the prothonotary of the county or counties in which he or she desires to practice a license duly granted to him or her by the Board of Osteopathic Examiners for the State of Pennsylvania. (Section 9, Act of March 19, 1909, P. L. 46 as last amended by Section 1, Act of June 1, 1915, P. L. 687.)

Approval

Right to
practice

Registration
Section 13

VII. APPLICANTS LICENSED BY OTHER STATES. Applicants examined and licensed by the State Boards of Osteopathic Examiners of other states, on the payment of a fee of fifty dollars to the State Board of Osteopathic Examiners, and filing in the office of the State Board of Osteopathic Examiners a copy of said license, certified by the affidavit

of the president or secretary of such board, showing also that the standard of requirements adopted by said board of examiners is substantially the same as is provided by section eight of this act, shall, without further examination, receive a license conferring on the holder thereof all the rights and privileges provided by section eleven of this act.

After the first day of July, one thousand nine hundred and twenty-eight, applicants for licensure under the provisions of this act shall furnish, prior to any examination by the State Board of Osteopathic Examiners, satisfactory proof that he or she has had a general education of not less than a standard four years' high school course, or its equivalent, and not less than one year of college credits in chemistry, biology, and physics, all of which have been received before admission to osteopathic study. After the first day of July one thousand nine hundred and forty-one such applicants shall have had not less than two years of college credits, including one year in each of the subjects, chemistry, biology, and physics, all of which have been received before admission to osteopathic study. (Section 10, Act of March 19, 1909, P.L. 46, as last amended by Section 1, Act of June 5, 1937 P.L. 1649.)

Educational
Requirements
after
July 1, 1928

Educational
requirements
after
July 1, 1941

VIII.

PRACTICE OF OSTEOPATHY; OSTEOPATHY DEFINED. Every license to practice as an osteopathic physician, issued by the State Board of Osteopathic Examiners, shall authorize the holder thereof to practice osteopathy in all its branches, including minor surgery and obstetrics, without restriction, as the same is herein defined, and taught and practiced in the legally incorporated reputable colleges of osteopathy; but it shall not authorize the holder thereof to practice operative surgery without obtaining an additional license to practice such surgery, as provided in section eleven (b) of this act. Any use or practice by osteopathic physicians of the agencies or means hereinafter named, as embraced within the fundamentals of the principles and practice of the system of osteopathy, when used for the purposes, in the manner, and to the extent as taught and practiced in the legally incorporated, reputable colleges of osteopathy, shall not be construed the practice of medicine, or deemed to be in violation of, or contrary to, any of the laws of this Commonwealth relating to the practice of medicine or regulating the public health.

Additional
license to
practice
operative
surgery

Practice not
to be con-
strued
practice of
medicine

The word "osteopathy", as used in this act, means a complete and independent scientific system for the preservation of health and the relief and cure of bodily disorders, embracing a distinct etiology, prophylaxis, and therapeutics applicable to all types and conditions of

Osteopathy
defined

disease, which in its practice deals with the human body as an intricate machine, holding as its foremost fundamental, (a) that the body when in perfect structural alignment will function correctly and health ensue; (b) that disease is the effect of anatomical abnormalities producing physiological discord, emphasizing malposed part or parts of the spinal column, its appendages and attachments, as the chief predisposing and producing cause of disease, to cure which the abnormal part or parts must be adjusted to the normal, - that pathogenic bacteria are secondary to the predisposing anatomical cause; and (c) which regards and uses nondrug adjunctive measures as palliatives; (d) embraces obstetrics, ophthalmology, subject, however, to the provisions herein as to surgery, subscribes to sanitation and hygiene, and to surgery when indicated and practiced from an osteopathic viewpoint; (e) employs antiseptics, anaesthetics, and germicides in case of necessity and antidotes in case of poisoning; and (f) opposes the introduction of drugs into the body organism as curative agencies. (Section 11, Act of March 19, 1909, P. L. 46 as last amended by Section 2, Act of June 5, 1937, P. L. 1649)

IX. OSTEOPATHIC SURGERY, FEES, ETC. - Any person licensed to practice osteopathy in this State, and desiring to enter upon the practice of operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy may deliver to the Superintendent of Public Instruction, upon the payment of a fee of one hundred dollars, or such fee as shall be fixed by the Superintendent of Public Instruction, a written application for license, together with satisfactory proof, in such form as may be required by the Osteopathic Surgeons' Examining Board, that the applicant has served for a period of not less than two years as an interne in any approved osteopathic hospital, which shall have at least ten beds per interne devoted to the treatment of diseases, shall maintain a thoroughly equipped modern pathological and clinical laboratory proportionate to the necessities of the hospital, and shall maintain a department of anaesthesia consisting of one or more anaesthetists, who shall have supervision over all the anaesthesia given in the institution, and whose duty it shall be to instruct all internes in the administration of anaesthetics. After the first day of July, one thousand nine hundred and forty-one, all applicants shall, in addition to the requirements hereinabove set forth, have successfully completed one year of surgical training in some legally incorporated, reputable osteopathic college or osteopathic hospital, or special courses, or training equivalent thereto, as determined by the Osteopathic Surgeons' Examining Board. In lieu of the three-year requirement hereinabove set forth, the applicant may submit proof that he has served for a period of not less than five years as

Application
for license
to practice
operative
surgery.

Fee

assistant to a surgeon, and in a hospital, approved by the Osteopathic Surgeons' Examining Board for such training. The Osteopathic Surgeons' Examining Board shall examine and fix the rating of all osteopathic colleges and hospitals, either chartered under the laws of this Commonwealth or operating therein, as relates to surgery only. It shall further be the duty of the board, by inspection or otherwise, to examine and fix the rating of all colleges and hospitals outside this Commonwealth providing osteopathic surgical training under the laws of any particular state whose graduates or internes desire to obtain licensure as osteopathic surgeons in this Commonwealth, but the standards for the approval of osteopathic hospitals in this Commonwealth shall be required in fixing any such rating. The same standard for graduates in medicine shall be used for examination by the Osteopathic Surgeons' Examining Board in the examination of the osteopathic graduates for licenses to practice surgery: Provided, That any person duly licensed as an osteopath, who has had at least five years of actual practice as a surgeon, may be examined by the board without being required to prove that he has had two years' experience as an intern or assistant surgeon in a hospital as hereinbefore provided.

Examination
and rating of
colleges and
hospitals for
graduate
students

Thereupon the Osteopathic Surgeons' Examining Board, if satisfied with said proof, shall admit applicant to examination as to his or her qualifications for the practice of operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy. Such examination shall include the subjects of surgical diagnosis and operative surgery, and such other subjects as the said board may deem necessary to test the qualifications of the applicants. The Osteopathic Surgeons' Examining Board shall cause the Department of Public Instruction to issue forthwith to each applicant who shall have obtained a general average of not less than seventy-five per centum, and who shall have been adjudged by the said board of examiners to be duly qualified for the practice of operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy, a license to practice such operative surgery in the State of Pennsylvania. Such license shall be issued and recorded in same manner as licenses to practice osteopathy are now issued by the State Board of Osteopathic Examiners under the provisions of this act: Provided, however, That no such license shall be issued if any objection thereto is filed by the State Board of Osteopathic Examiners.

Examination

License to
practice
operative
surgery

Every license issued by said board to practice surgery shall authorize the holder thereof to practice major or operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy; and the use of anaesthetics, antiseptics, narcotics, and germicides, when used for the purposes, in the manner, and to the extent, only as taught and practiced under surgical procedure in the legally incorporated, reputable colleges of osteopathy, shall not be considered the practice of medicine, or in violation of any of the laws relating to the practice of medicine or regulating public health.

Effect of
license

Any osteopathic physician who has been practicing operative surgery for a period of not less than seven years, prior to the passage of this act, shall not be required to take the examinations required by this section, and shall be eligible to appointment as a member of the Osteopathic Surgeons' Examining Board.

Osteopathic physician who has practiced seven years

Applicants examined and licensed by the osteopathic surgeons' examiners of any other state where such examiners exist, separate from the osteopathic physicians' examiners, on the payment of a fee of two hundred dollars (\$200.00), and the filing with the Osteopathic Surgeons' Examining Board of this Commonwealth a copy of such license, certified by the president or secretary of the examiners of such other state, showing that the standard of requirements adopted by such examiners is substantially the same as is provided by this act, shall without further examination receive a license conferring on the holder thereof the right to practice operative surgery as taught and practiced in the legally incorporated, reputable colleges of osteopathy.

Applicants from other states

Every person now or hereafter licensed under the provisions of this act to practice operative surgery shall register as such practitioners with the Osteopathic Surgeons' Examining Board, on or before the first day of January, * one thousand nine hundred and thirty-eight, and annually thereafter, on or before the first day of January of each succeeding year. The form for such registration shall be prescribed and furnished by the board. The annual registration fee shall be ten dollars (\$10.00), or such other sum as shall be fixed by the Department of Public Instruction under authority of law. The fee in all cases accompany the application for such registration. (Section 11 (b), Act of March 19, 1909, P.L. 46 as last amended by Section 1, Act of May 21, 1943, P.L. 471.)

Annual registration required

- X. PERIOD OF INTERNSHIP - Until the thirtieth day of June, one thousand nine hundred forty-eight a minimum of nine months for each year's required internship shall constitute the necessary legal training for an intern in an osteopathic hospital approved for intern training to qualify for admission to an examination for licensure by the Osteopathic Surgeons' Examining Board to practice major surgery in Pennsylvania. (Section 1, Act of May 21, 1943, P.L. 491 as amended and re-enacted by Section 1, Act of May 8, 1947, P.L. 171.)

Period of Internship

*Date of expiration change to October 31 by the Department of Public Instruction as provided by the Act of May 25, 1937, P.L. 800.

XI. REPORTS AND CERTIFICATES CONCERNING BIRTHS, DEATHS, ETC. - Osteopathic physicians and osteopathic surgeons shall observe and be subject to all State and municipal regulations relating to the control of contagious diseases, the reporting and certifying of births and deaths, and all matters pertaining to public health, the same as physicians of other schools, and all such reports and certificates, when made or issued by osteopathic physicians licensed under the laws of the Commonwealth, shall be accepted by the persons, partnerships, corporations or by the officers, boards, bureaus, or departments of the State or of any of its political subdivision to whom the same are made, with the same force and effect as reports or certificates issued by physicians of other schools; and such osteopathic physicians shall be entitled to the same fees and compensation as is provided by law for physicians of any other School. (Section 12, Act of March 19, 1909, P. L. 46 as last amended by Section 4, Act of June 5, 1937, P. L. 1649)

XII. REGISTRATION; VIOLATIONS OF ACT. - From and after the approval of this act, no person shall enter upon or continue the practice of osteopathy in the State of Pennsylvania unless he or she has complied with the provisions of this act. It shall be the duty of all persons qualified and engaged in the practice of osteopathy, or who shall hereafter be licensed by the State Board of Osteopathic Examiners to engage in such practice in this Commonwealth, to register with the said State Board of Osteopathic Examiners as practitioners, on or before the first day of January, one thousand nine hundred and twenty-six, and thereafter to register annually with said board in like manner annually on or before the first day of January* of each succeeding year. The form and method of such registration shall be provided for by such board in such manner as will enable it to carry into effect the purposes of this act. The said State Board of Osteopathic examiners shall be entitled to demand for each annual registration a fee of three dollars, or such other sum as shall be fixed by the Department of Public Instruction under authority of law. The fee shall in all cases, accompany the application for such registration. All fees received hereunder shall, unless otherwise provided by law, be used by the said board in carrying out the provisions of this act.

Register
with board

Annual fees

Any person licensed and engaged in the practice of osteopathy who shall fail, neglect, or refuse to annually register with the State Board of Osteopathic Examiners as above provided shall be subject to a penalty for the first offense not to exceed twenty-five dollars, and for any second or subsequent offense to a penalty not exceeding fifty dollars, such penalties to be fixed by the Board of Osteopathic Examiners in its rules and regulations.

Failure to
register

Penalty

*Date of expiration changed to October 31 by the Department of Public Instruction as provided by the Act of May 25, 1937, P.L. 800.

State. The State Board of Osteopathic Examiners may refuse, revoke or suspend the right to practice osteopathy in this State upon any or all of the following reasons, to wit: The conviction of a crime involving moral turpitude; habitual intemperance in the use of ardent spirits or stimulants, narcotics, or any other substance which impairs intellection and judgment, to such an extent as to incapacitate the performance of professional duties; the violation of the practice of the principles of the system of osteopathy as defined in this act; misrepresentation; unethical conduct; misleading, fraudulent or unethical advertising, including any form of pretense which might induce citizens to become a prey to professional exploitation: Provided, however, That the foregoing shall not prevent the use of signs containing the name of any licensee, and the words "Osteopathic Physician," or any abbreviation thereof. Any person who is a licentiate under this act, or who is an applicant for examination for licensure to practice osteopathy in this State, against whom any of the foregoing charges are preferred, for causing the revocation or suspension of license or for causing the refusal of the right to be examined for licensure, shall be furnished by the State Board of Osteopathic Examiners with a copy of the complaint, and shall have a hearing before said board, in person or by attorney, and witnesses may be examined by said board respecting the guilt or innocence of said accused. The suspension of license of any licentiate under this act shall be removed when said narcotic or vicious habit, hereinbefore specified, shall have been adjudged by the proper authorities to be cured or overcome, and said suspended licentiate deemed again capable of practicing the healing art. (Section 14, Act of May 19, 1909, P.L. 46, as last amended by Section 1, Act of May 18, 1945, P.L. 659.

XIV.

LICENSES; COMPROMISE OF PROSECUTIONS. - Be it enacted, etc., That whenever any act of Assembly relating to the licensing or registration of persons engaged in professions, trades, and occupations in the Department of Public Instruction, or any board therein, is violated and prosecution therefor is brought by the Department of Public Instruction, such department is authorized and empowered, with the approval of the Department of the Auditor General and the Department of Justice, to compound, compromise, and settle, without further proceedings, any such prosecution before any justice of the peace, magistrate, or alderman before whom the said prosecution is being brought, upon the payment by each defendant of the minimum fine or penalty and costs provided for in the respective acts. (Section 1, Act of July 1, 1937, P. L. 2667.)

Authorized to compound, compromise and settle prosecutions

Upon payment of minimum fine or penalty and costs

